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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/693,321	10/19/2000	Mohamed M. Abdelaziz	5181-57700	8845
7590	07/26/2006			
Robert C. Kowert Conley, Rose & Tayon PC PO Box 398 Austin, TX 78767-0398			EXAMINER SINGH, RACHNA	
			ART UNIT 2176	PAPER NUMBER

DATE MAILED: 07/26/2006

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/693,321
Filing Date: October 19, 2000
Appellant(s): ABDELAZIZ ET AL.

Robert C. Kowert
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 04/21/06 appealing from the Office action
mailed 11/29/05.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,687,873 B1	BALLANTYNE et al.	03-2004
2001/0049603	SRAVANAPUDI et al.	12-2001

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 3-7, 11, 13-26, 29, 31-48, 51, and 53-57 are rejected under 35 U.S.C. 102(e) as being anticipated by Ballantyne et al., US 6,687,873 B1, 2/3/04 (filed 3/9/00).

In reference to amended claim 1, Ballantyne teaches a method and system of outputting data in XML format using an XML schema. Ballantyne's system discloses the following:

- A legacy computer system producing report data for delivery to a customer such as a telephone customer which meets the limitation ***a service in the distributed computing environment generating results data for a client in the distributed computing environment***. See column 2, lines 43-67; column 3, lines 1-40; and column 4, lines 1-15. A service is an entity that can be used by a person, program, or another service as described on page 4 of the specification. Legacy computer systems are used to output reports such as telephone bills. See column 1, lines 23-67 and column 2. Legacy systems are used by business enterprises to output data. See column 3, lines 28-40 and column 4, lines 12-15. Thus a "legacy computer system" used by a business is a "service" because it is an entity used by a person or a program.

-A legacy computer system that uses XML schema to output report data into XML format. An XML schema is a presentation schema because it describes how to present report data for a client. Ballantyne teaches the legacy computer system's program applications are used to output data into an XML formatted output using an XML schema which meets the limitation ***accessing a presentation schema in the distributed computing environment, wherein the presentation schema includes information for presenting results data for clients in the distributed computing***

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environment, wherein the presentation schema is provided by the service. See columns 3-4. Ballantyne states in column 4, lines 1-15 that one technical advantage of allowing legacy computer system program applications to output data to an XML version is that it is faster and does not require the transformation of the data itself from the legacy system format. Thus a business enterprise using a legacy computer system is provided with the greater accessibility to data provided by the output in XML format. The ability for a legacy computer system to output report data and provide a presentation schema (i.e. XML schema) to present the report data to a client indicates that one service can both *generate results data* and *provide a presentation schema*.

-Allowing a user to access "report" information such as invoices, billing statements, etc. See column 17, lines 15-67. Compare to ***"accessing results data for a client in a distributed computing environment"***.

-Outputting the XML formatted data using the XML schema generated from the legacy system. See columns 17-18. Compare to ***"presenting the results data for the client in accordance with the information from the presentation schema"***.

Ballantyne's system comprises a service in the computing environment that generates results data (such as invoices, billing statements) prior to accessing the report data. They are called internal reports that are available for storage on a database in XML database. See columns 17-18. Ballantyne teaches that businesses

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with legacy computer systems may output XML formatted reports that allow the business to take advantage of advances taking place in e-commerce, such as automatic bill payment. For instance, telephone customers could receive their telephone bill by email containing a web link to a site providing bill detail. See column 17, lines 37-52. The telephone customers are client and the service is the automatic bill payment provided by the business.

In reference to claim 3, Ballantyne teaches a user can request information such as billing statements or invoices from a legacy computer system which results in the outputting of a bill. A telephone customer could receive their bills via email containing a web-link to a site that provides their bill detail. See column 17, lines 35-67. Clicking on a web link is sending a request message to the service to perform some function, in this case displaying a bill, for the client from the legacy system. It is inherent that sending a request by clicking on a link requires that a message is sent in the form of a request to the server using HTTP, the message itself is in the form of some data representation language.

In reference to claim 4, Appellant argues Ballantyne fails to disclose the client is sending a request message in XML and that requests are made using HTTP. HTTP is a transfer protocol. The request could still be in an XML format. Further, the fact that the report output in response the request is in XML format, it is inherent that the original request is in XML.

In reference to claim 5, Ballantyne clearly states the legacy computer system outputs the XML formatted data to the client. It is noted that a message is just a document. See columns 1-2.

In reference to claims 6-7, in column 17, lines 15+, Ballantyne discloses that internal reports otherwise printed on paper for manual inspection are instead available for storage on a database in XML format. Once electronically stored, the reports are available as electronic information assets for review by a browser or other electronic analysis. Different business applications related to e-commerce such Bill Presentment and Payment allow the client to access results data that is electronically stored in a database. See columns 17-18.

In reference to claims 13 and 14, Ballantyne teaches that the results data can be presented in visual format for display on a display device. See columns 17-18.

In reference to claim 15, Ballantyne teaches the use of a presentation schema in the form of XML schema wherein the schema can comprise presentation characteristics of data elements. See columns 6-8. The user may also modify the schema.

In reference to claim 16, Ballantyne teaches accessing a first presentation elements and locating one or more data elements within. Ballantyne's system comprises a hierarchy of the XML schema wherein the depth of the element

corresponds to its position in the tree structure. See figure 7 and column 11. The tree structure of the XML schema can be used to access data elements by traversing the tree. See columns 11-12.

In reference to claim 17, Ballantyne teaches accessing the data elements in the tree structure of the schema. See columns 11-12.

In reference to claim 18, Ballantyne's system is a data presentation system. Reporting XML data from a legacy computer system is a data presentation process. Reporting any type of data is presenting data. See abstract.

In reference to claim 19, Ballantyne's system can take place over a network where a client would use one device and the process would occur in another device. Ballantyne's system is a data presentation system. Reporting XML data from a legacy computer system is a data presentation process. Reporting any type of data is presenting data. See abstract.

In reference to claims 20-22, Ballantyne teaches producing reporting data in XML format for delivery to a client via an email link, web-site, or at a bill consolidator which meets the limitation **a client receiving information for accessing results data**. See columns 1-2. Ballantyne further teaches a client can click on a link in an e-mail to request the results or report data for viewing which meets the limitation **the client**

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providing the information for accessing the results data to the data presentation process. See column 17 where Ballantyne discloses a request to receive a telephone bill from a telephone customer.

In reference to claim 23, Ballantyne teaches that the client receives the presentation schema in the form of an XML output and the schema can be formatted in the model GUI. See columns 6, lines 48-67 and columns 7-8. A *programmer* can create or modify an XML schema used to present legacy program application output in XML format. A programmer could be anyone including the client.

Claims 24-26, 29, and 31-35 are rejected under the same rationale used in claims 1, 3, 4, 11, 13, 14, 16, 17, and 18 respectively above.

In reference to claim 36, Ballantyne's system can take place over a computer system and network in which one device sends a message to a service device and the service device generates results. See column 17-18. Ballantyne teaches a user can request information such as billing statements or invoices from a legacy computer system which results in the outputting of a bill. A telephone customer could receive their bills via email containing a web-link to a site that provides their bill detail. See column 17, lines 35-67. Clicking on a web link is sending a request message to the service to perform some function, in this case displaying a bill, for the client from the legacy system. It is inherent that sending a request by clicking on a link

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requires that a message is sent in the form of a request to the server using HTTP, the message itself is in the form of some data representation language. Further in response to the request, the service device (or legacy system) delivers report data such as a bill statement. See column 17.

In reference to claim 37, Ballantyne teaches that the client's device can include a display. See column 17 and 18.

In reference to claim 38, Ballantyne teaches producing reporting data in XML format for delivery to a client via an email link, web-site, or at a bill consolidator. See columns 1-2. Ballantyne further teaches a client can click on a link in an e-mail to request the results or report data for viewing. See column 17 where Ballantyne discloses a request to receive a telephone bill from a telephone customer.

In reference to claim 39, Ballantyne's system teaches the client receiving report data from the service and the report data is presented to the client upon his request being received.

In reference to claim 40, Ballantyne teaches that the client receives the presentation schema in the form of an XML output and the schema can be formatted in the model GUI. See columns 6, lines 48-67 and columns 7-8. A *programmer* can

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create or modify an XML schema used to present legacy program application output in XML format. A programmer could be anyone including the client.

In reference to claim 41, Ballantyne teaches that the client receives the presentation schema in the form of an XML output and the schema can be formatted in the model GUI. See columns 6, lines 48-67 and columns 7-8. *A programmer can create or modify an XML schema used to present legacy program application output in XML format. A programmer could be anyone including the client.*

In reference to claim 42, Ballantyne teaches that the presentation schema advertisement can be stored in a storage device on the service device. See columns 17-18. Ballantyne teaches a storage device. See column 17-18. Ballantyne teaches that reports, billing statements, and other information can be formatted in XML can be archived and retrieved in a relational database. Ballantyne discloses providing a results advertisement where the advertisement includes information for enabling access of the results data. Ballantyne teaches providing report data to a display device, where a user can then access results data (i.e. billing statements). See column 17. Compare to ***“a service device configured to store a presentation schema advertisement on the storage device”***. Ballantyne further discloses presenting results data produced by the database on browser technology. See columns 17-18.

In reference to claim 43, Ballantyne teaches that the service device can generate report data upon receiving a request for the report data. See columns 17-18.

In reference to claim 44, Ballantyne teaches outputting the XML data on a display device which is a "space". See columns 1-2. The results data would be outputted to a "space" in a computing environment.

In reference to claim 45, Ballantyne teaches outputting the XML data on a display device. The results data would be outputted to a "space" in a computing environment.

In reference to claim 46, Ballantyne teaches a system for reporting data from a legacy computer system which meets the claimed ***device, comprising: a data presentation component***. See abstract. Ballantyne further teaches a means to access an XML schema provided by the legacy computer system (i.e. service) where the XML schema determines how to output data from the legacy computer application in XML format which meets the limitation ***access a presentation schema provided by a service in a distributed computing environment, wherein the presentation schema includes information for presenting results data generated by the service***. See columns 3-4; column 5; column 6, lines 27-67. A service is an entity that can be used by a person, program, or another service as described on page 4 of the specification. Legacy computer systems are used to output reports such as telephone bills. See column 1, lines 23-67 and column 2. Legacy systems are used by business enterprises

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to output data. See column 3, lines 28-40 and column 4, lines 12-15. Thus a "legacy computer system" used by a business is a "service" because it is an entity used by a person or a program. The legacy computer system outputs report data to a customer which meets the ***access the results data generated by the service***. See columns 5-6 and 17. Ballantyne teaches outputting the XML formatted data using the XML schema generated from the legacy system which meets the limitation ***presenting the results data on the data presentation component in accord with the information in the presentation schema for the results data***. See columns 17-18. Ballantyne's system comprises a service in the computing environment that generates results data (such as invoices, billing statements) prior to accessing the report data. Ballantyne teaches that businesses with legacy computer systems may output XML formatted reports that allow the business to take advantage of advances taking place in e-commerce, such as automatic bill payment. For instance, telephone customers could receive their telephone bill by email containing a web link to a site providing bill detail. See column 17, lines 37-52. The telephone customers are client and the service is the automatic bill payment provided by the business.

Claim 47 is rejected under the same rationale used in claim 3 above.

Claim 48 is rejected under the same rationale used in claim 1 above.

Claims 51 and 53-57 are rejected under the same rationale used in claims 11, 14, 15, 16, 17, and 19 respectively above.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 8, 10, 27-28, and 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ballantyne et al., US 6,687,873 B1, 2/3/04 (filed 3/9/00).

In reference to claims 8 and 27, Ballantyne teaches providing results data in the form of XML to a display device. The XML data may comprise invoices, billing statements, or any other type of report data including advertisement. Ballantyne discloses providing a results advertisement where the advertisement includes information for enabling access of the results data when he discloses sending an email from the service provider such as a telephone company with a link to a bill. See column 17. Ballantyne teaches providing report data to a display device, where a user can then access results data (i.e. billing statements). Although Ballantyne does not state

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“advertisements”, the term “report data” could comprise an advertisement so long as it “advertises” a company. In this case sending an email from a telephone company comprising a link to a bill could be interpreted as an “advertisement” because it is naming the company which is advertising a company. This is a “commercial advertisement” so long as a company’s name appears on the document. Further, an email sent by a company includes a link providing access to the report data is enabling access to the results data. Moreover, one of ordinary skill in the art would recognize that an XML schema could be used to describe any number of output presentations in XML format including invoices and advertisements, thus it would have been obvious to one of ordinary skill in the art at the time of the invention to produce advertisements as “result data” since XML schema is used to produce XML formatted data. See column 17.

In reference to claims 10, 28, and 50, Ballantyne teaches storing presentation schema in a storage device. See column 17, lines 15-25. Ballantyne teaches providing results data in the form of XML to a display device. Ballantyne discloses providing a results advertisement where the advertisement includes information for enabling access of the results data. Ballantyne teaches providing report data to a display device, where a user can then access results data (i.e. billing statements). Although Ballantyne does not state “advertisements”, the term “report data” could comprise an advertisement. Ballantyne teaches providing results data in the form of XML to a display device. The XML data may comprise invoices, billing statements, or any other type of report data

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including advertisement. Ballantyne teaches providing report data to a display device, where a user can then access results data (i.e. billing statements). Although Ballantyne does not state “advertisements”, the term “report data” could comprise an advertisement so long as it “advertises” a company. In this case sending an email from a telephone company comprising a link to a bill could be interpreted as an “advertisement” because it is naming the company which is advertising a company. This is a “commercial advertisement” so long as a company’s name appears on the document. Further, an email sent by a company includes a link providing access to the report data is enabling access to the results data. Moreover, one of ordinary skill in the art would recognize that an XML schema could be used to describe any number of outputs in XML format including invoices and advertisements, thus it would have been obvious to one of ordinary skill in the art at the time of the invention to produce advertisements as “result data” since and XML schema can be used to produce XML formatted data. See column 17.

Claims 12, 30, and 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Claims 8, 10, 27-28, and 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ballantyne et al., US 6,687,873 B1, 2/3/04 (filed 3/9/00) in view of Sravanapudi et al., US 2001/0049603 A1, 12/6/01 (filed 3/8/01, provisional 3/10/00).

In reference to claims 12, 30, and 52 ,Ballantyne does not teach the presentation of report data in an audio format; however, Sravanapudi teaches a multimodal

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information system in which information can be delivered in a variety of formats including audio. See pages 1-3. It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate Sravanapudi's audio presentation of result information in the system of Ballantyne since it allows a user to be reached via multiple channels and also allows the user to listen to the data through a sound system. See page 1 of Sravanapudi. Sravanapudi also teaches utilizing Voice XML as a means for rendering the data as audio. It would have been obvious to utilize Voice XML in Ballantyne's XML output presentation as it is a form of the representation language used. See page 5 of Sravanapudi.

NEW GROUND(S) OF REJECTION

Although the Office still maintains the 102 rejections, proffered in the final rejection. In order to further prosecution in light of Appellant's arguments, the Office is providing an alternative rejection under 103(a) using an alternative interpretation asserted by Appellant with regards to the term "service".

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3-8, 10-11, 13-29, 31-48, 50-51, and 53-57 are rejected under 35

U.S.C. 103(a) as being unpatentable over Ballantyne et al., US 6,687,873 B1, 2/3/04 (filed 3/9/00).

In reference to amended claim 1, Ballantyne teaches a method and system of outputting data in XML format using an XML schema. Ballantyne's system discloses the following:

- A legacy computer system producing report data for delivery to a customer such as a telephone customer. See column 2, lines 43-67; column 3, lines 1-40; and column 4, lines 1-15.

- A legacy computer system that uses XML schema to output report data into XML format. An XML schema is a presentation schema because it describes how to present report data for a client. Ballantyne teaches the legacy computer system's program applications are used to output data into an XML formatted output using an XML schema which meets the limitation ***accessing a presentation schema in the distributed computing environment, wherein the presentation schema includes information for presenting results data for clients in the distributed computing environment, wherein the presentation schema is provided by the service.*** See

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columns 3-4. Ballantyne states in column 4, lines 1-15 that one technical advantage of allowing legacy computer system program applications to output data to an XML version is that it is faster and does not require the transformation of the data itself from the legacy system format. Thus a business enterprise using a legacy computer system is provided with the greater accessibility to data provided by the output in XML format. The ability for a legacy computer system to output report data and provide a presentation schema (i.e. XML schema) to present the report data to a client indicates that one service can both *generate results data* and *provide a presentation schema*.

-Allowing a user to access "report" information such as invoices, billing statements, etc. See column 17, lines 15-67. Compare to ***"accessing results data for a client in a distributed computing environment"***.

-Outputting the XML formatted data using the XML schema generated from the legacy system. See columns 17-18. Compare to ***"presenting the results data for the client in accordance with the information from the presentation schema"***.

Although Ballantyne does not expressly state a "service," a skilled artisan would be cognizant of the fact that a legacy computer system producing report data for delivery to a customer such as a telephone customer is a service because a service is an entity that can be used by a person, program, or another service as described on page 4 of the specification. See column 2, lines 43-67; column 3, lines 1-40; and

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column 4, lines 1-15. Legacy computer systems are used to output reports such as telephone bills. See column 1, lines 23-67 and column 2. Legacy systems are used by business enterprises to output data. See column 3, lines 28-40 and column 4, lines 12-15. Thus a "legacy computer system" used by a business is a "service" because it is an entity used by a person or a program. Ballantyne teaches that businesses with legacy computer systems may output XML formatted reports that allow the business to take advantage of advances taking place in e-commerce, such as automatic bill payment. For instance, telephone customers could receive their telephone bill by email containing a web link to a site providing bill detail. See column 17, lines 37-52. The telephone customers are client and the service is the automatic bill payment provided by the legacy computer system.

In reference to claim 3, Ballantyne teaches a user can request information such as billing statements or invoices from a legacy computer system which results in the outputting of a bill. A telephone customer could receive their bills via email containing a web-link to a site that provides their bill detail. See column 17, lines 35-67. Clicking on a web link is sending a request message to the service to perform some function, in this case displaying a bill, for the client from the legacy system. It would have been obvious to a person of ordinary skill in the art that sending a request by clicking on a link requires that a message is sent in the form of a request to the server using HTTP, the message itself is in the form of some data representation language.

In reference to claim 4, Ballantyne discloses the client is sending a request message in XML and that requests are made using HTTP. HTTP is a transfer protocol. The request could still be in an XML format. Further, the fact that the report output in response the request is in XML format, a skilled artisan would be cognizant that the original request was most likely in XML.

In reference to claim 5, Ballantyne clearly states the legacy computer system outputs the XML formatted data to the client. It is noted that a message is just a document. See columns 1-2.

In reference to claims 6-7, in column 17, lines 15+, Ballantyne discloses that internal reports otherwise printed on paper for manual inspection are instead available for storage on a database in XML format. Once electronically stored, the reports are available as electronic information assets for review by a browser or other electronic analysis. Different business applications related to e-commerce such Bill Presentment and Payment allow the client to access results data that is electronically stored in a database. See columns 17-18.

In reference to claims 11, Ballantyne teaches storing presentation schema in a storage device. See column 17, lines 15-25. Ballantyne teaches providing results data in the form of XML to a display device. Ballantyne discloses providing a results advertisement where the advertisement includes information for enabling access of the

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results data. Ballantyne teaches providing report data to a display device, where a user can then access results data (i.e. billing statements). Although Ballantyne does not state “advertisements”, the term “report data” could comprise an advertisement. Moreover, one of ordinary skill in the art would recognize that an XML schema could be used to describe any number of outputs in XML format including invoices and advertisements, thus it would have been obvious to one of ordinary skill in the art at the time of the invention to produce advertisements as “result data” since an XML schema can be used to produce XML formatted data. See column 17.

In reference to claims 13 and 14, Ballantyne teaches that the results data can be presented in visual format for display on a display device. See columns 17-18.

In reference to claim 15, Ballantyne teaches the use of a presentation schema in the form of XML schema wherein the schema can comprise presentation characteristics of data elements. See columns 6-8. The user may also modify the schema.

In reference to claim 16, Ballantyne teaches accessing a first presentation elements and locating one or more data elements within. Ballantyne’s system comprises a hierarchy of the XML schema wherein the depth of the element corresponds to its position in the tree structure. See figure 7 and column 11. The tree structure of the XML schema can be used to access data elements by traversing the tree. See columns 11-12.

In reference to claim 17, Ballantyne teaches accessing the data elements in the tree structure of the schema. See columns 11-12.

In reference to claim 18, Ballantyne's system is a data presentation system. Reporting XML data from a legacy computer system is a data presentation process. Reporting any type of data is presenting data. See abstract.

In reference to claim 19, Ballantyne's system can take place over a network where a client would use one device and the process would occur in another device. Ballantyne's system is a data presentation system. Reporting XML data from a legacy computer system is a data presentation process. Reporting any type of data is presenting data. See abstract.

In reference to claims 20-22, Ballantyne teaches producing reporting data in XML format for delivery to a client via an email link, web-site, or at a bill consolidator which meets the limitation ***a client receiving information for accessing results data***. See columns 1-2. Ballantyne further teaches a client can click on a link in an e-mail to request the results or report data for viewing which meets the limitation ***the client providing the information for accessing the results data to the data presentation process***. See column 17 where Ballantyne discloses a request to receive a telephone bill from a telephone customer.

In reference to claim 23, Ballantyne teaches that the client receives the presentation schema in the form of an XML output and the schema can be formatted in the model GUI. See columns 6, lines 48-67 and columns 7-8. A *programmer* can create or modify an XML schema used to present legacy program application output in XML format. A programmer could be anyone including the client.

Claims 24-26, 29, and 31-35 are rejected under the same rationale used in claims 1, 3, 4, 11, 13, 14, 16, 17, and 18 respectively above.

In reference to claim 36, Ballantyne's system can take place over a computer system and network in which one device sends a message to a service device and the service device generates results. See column 17-18. Ballantyne teaches a user can request information such as billing statements or invoices from a legacy computer system which results in the outputting of a bill. A telephone customer could receive their bills via email containing a web-link to a site that provides their bill detail. See column 17, lines 35-67. Clicking on a web link is sending a request message to the service to perform some function, in this case displaying a bill, for the client from the legacy system. It is inherent that sending a request by clicking on a link requires that a message is sent in the form of a request to the server using HTTP, the message itself is in the form of some data representation language. Further in response to the request,

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the service device (or legacy system) delivers report data such as a bill statement. See column 17.

In reference to claim 37, Ballantyne teaches that the client's device can include a display. See column 17 and 18.

In reference to claim 38, Ballantyne teaches producing reporting data in XML format for delivery to a client via an email link, web-site, or at a bill consolidator. See columns 1-2. Ballantyne further teaches a client can click on a link in an e-mail to request the results or report data for viewing. See column 17 where Ballantyne discloses a request to receive a telephone bill from a telephone customer.

In reference to claim 39, Ballantyne's system teaches the client receiving report data from the service and the report data is presented to the client upon his request being received.

In reference to claim 40, Ballantyne teaches that the client receives the presentation schema in the form of an XML output and the schema can be formatted in the model GUI. See columns 6, lines 48-67 and columns 7-8. A *programmer* can create or modify an XML schema used to present legacy program application output in XML format. A programmer could be anyone including the client.

In reference to claim 41, Ballantyne teaches that the client receives the presentation schema in the form of an XML output and the schema can be formatted in the model GUI. See columns 6, lines 48-67 and columns 7-8. A *programmer* can create or modify an XML schema used to present legacy program application output in XML format. A programmer could be anyone including the client.

In reference to claim 42, Ballantyne teaches that the presentation schema advertisement can be stored in a storage device on the service device. See columns 17-18. Ballantyne teaches a storage device. See column 17-18. Ballantyne teaches that reports, billing statements, and other information can be formatted in XML can be archived and retrieved in a relational database. Ballantyne discloses providing a results advertisement where the advertisement includes information for enabling access of the results data. Ballantyne teaches providing report data to a display device, where a user can then access results data (i.e. billing statements). See column 17. Compare to ***“a service device configured to store a presentation schema advertisement on the storage device”***. Ballantyne further discloses presenting results data produced by the database on browser technology. See columns 17-18.

In reference to claim 43, Ballantyne teaches that the service device can generate report data upon receiving a request for the report data. See columns 17-18.

In reference to claim 44, Ballantyne teaches outputting the XML data on a display device which is a "space". See columns 1-2. The results data would be outputted to a "space" in a computing environment.

In reference to claim 45, Ballantyne teaches outputting the XML data on a display device. The results data would be outputted to a "space" in a computing environment.

In reference to claim 46, Ballantyne teaches a system for reporting data from a legacy computer system which meets the claimed ***device, comprising: a data presentation component***. See abstract. Ballantyne further teaches a means to access an XML schema provided by the legacy computer system (i.e. service) where the XML schema determines how to output data from the legacy computer application in XML format which meets the limitation ***access a presentation schema provided by a service in a distributed computing environment, wherein the presentation schema includes information for presenting results data generated by the service***. See columns 3-4; column 5; column 6, lines 27-67. The legacy computer system outputs report data to a customer which meets the ***access the results data generated by the service***. See columns 5-6 and 17. Ballantyne teaches outputting the XML formatted data using the XML schema generated from the legacy system which meets the limitation ***presenting the results data on the data presentation component in accord with the information in the presentation schema for the results data***. See columns 17-18.

Although Ballantyne does not expressly state a “service,” a skilled artisan would be cognizant of the fact that a legacy computer system producing report data for delivery to a customer such as a telephone customer is a service because a service is an entity that can be used by a person, program, or another service as described on page 4 of the specification. See column 2, lines 43-67; column 3, lines 1-40; and column 4, lines 1-15. Legacy computer systems are used to output reports such as telephone bills. See column 1, lines 23-67 and column 2. Legacy systems are used by business enterprises to output data. See column 3, lines 28-40 and column 4, lines 12-15. Thus a “legacy computer system” used by a business is a “service” because it is an entity used by a person or a program. Ballantyne teaches that businesses with legacy computer systems may output XML formatted reports that allow the business to take advantage of advances taking place in e-commerce, such as automatic bill payment. For instance, telephone customers could receive their telephone bill by email containing a web link to a site providing bill detail. See column 17, lines 37-52. The telephone customers are client and the service is the automatic bill payment provided by the legacy computer system.

Claim 47 is rejected under the same rationale used in claim 3 above.

Claim 48 is rejected under the same rationale used in claim 1 above.

Claims 51 and 53-57 are rejected under the same rationale used in claims 11, 14, 15, 16, 17, and 19 respectively above.

In reference to claims 8 and 27, Ballantyne teaches providing results data in the form of XML to a display device. The XML data may comprise invoices, billing statements, or any other type of report data including advertisement. Ballantyne discloses providing a results advertisement where the advertisement includes information for enabling access of the results data when he discloses sending an email from the service provider such as a telephone company with a link to a bill. See column 17. Ballantyne teaches providing report data to a display device, where a user can then access results data (i.e. billing statements). Although Ballantyne does not state "advertisements", the term "report data" could comprise an advertisement so long as it "advertises" a company. In this case sending an email from a telephone company comprising a link to a bill could be interpreted as an "advertisement" because it is naming the company which is advertising a company. This is a "commercial advertisement" so long as a company's name appears on the document. Further, an email sent by a company includes a link providing access to the report data is enabling access to the results data. Moreover, one of ordinary skill in the art would recognize that an XML schema could be used to describe any number of output presentations in XML format including invoices and advertisements, thus it would have been obvious to one of ordinary skill in the art at the time of the invention to produce advertisements as

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"result data" since XML schema is used to produce XML formatted data. See column 17.

In reference to claims 10, 28, and 50, Ballantyne teaches storing presentation schema in a storage device. See column 17, lines 15-25. Ballantyne teaches providing results data in the form of XML to a display device. Ballantyne discloses providing a results advertisement where the advertisement includes information for enabling access of the results data. Ballantyne teaches providing report data to a display device, where a user can then access results data (i.e. billing statements). Although Ballantyne does not state "advertisements", the term "report data" could comprise an advertisement. Ballantyne teaches providing results data in the form of XML to a display device. The XML data may comprise invoices, billing statements, or any other type of report data including advertisement. Ballantyne teaches providing report data to a display device, where a user can then access results data (i.e. billing statements). Although Ballantyne does not state "advertisements", the term "report data" could comprise an advertisement so long as it "advertises" a company. In this case sending an email from a telephone company comprising a link to a bill could be interpreted as an "advertisement" because it is naming the company which is advertising a company. This is a "commercial advertisement" so long as a company's name appears on the document. Further, an email sent by a company includes a link providing access to the report data is enabling access to the results data. Moreover, one of ordinary skill in the art would recognize that an XML schema could be used to describe any number of outputs in XML format

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including invoices and advertisements, thus it would have been obvious to one of ordinary skill in the art at the time of the invention to produce advertisements as “result data” since and XML schema can be used to produce XML formatted data. See column 17.

Claims 12, 30, and 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Claims 8, 10, 27-28, and 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ballantyne et al., US 6,687,873 B1, 2/3/04 (filed 3/9/00) in view of Sravanapudi et al., US 2001/0049603 A1, 12/6/01 (filed 3/8/01, provisional 3/10/00).

In reference to claims 12, 30, and 52, Ballantyne does not teach the presentation of report data in an audio format; however, Sravanapudi teaches a multimodal information system in which information can be delivered in a variety of formats including audio. See pages 1-3. It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate Sravanapudi's audio presentation of result information in the system of Ballantyne since it allows a user to be reached via multiple channels and also allows the user to listen to the data through a sound system. See page 1 of Sravanapudi. Sravanapudi also teaches utilizing Voice XML as a means for rendering the data as audio. It would have been obvious to utilize Voice XML in Ballantyne's XML output presentation as it is a form of the representation language used. See page 5 of Sravanapudi.

(10) Response to Argument

On pages 11-14 of the Brief, Appellant argues with respect to claims 1, 6-7, and 13-17, that Ballantyne fails to disclose accessing a presentation schema in the distributed computing environment wherein the presentation schema includes information for presenting results data for clients, and wherein the presentation schema is provided by the same service in the distributed computing environment that generated the results data for the client.

On pages 11-12, Appellant further argues the Examiner has failed to show any portion of Ballantyne that describes a particular *service* that both generates results data for a client and provides a presentation schema that includes information for presenting the results data for clients.

A service is an entity that can be used by a person, program, or another service as described on page 4 of Appellant's specification. Legacy computer systems are used to output reports such as telephone bills. See column 1, lines 23-67 and column 2. Legacy systems are used by business enterprises to output data. See column 3, lines 28-40 and column 4, lines 12-15. Thus Examiner is interpreting a "legacy computer system" used by a business as a "service" because it is an entity used by a person or a program.

Ballantyne teaches a legacy computer system produces report data. See column 2, lines 43-67; column 3, lines 1-40; and column 4, lines 1-15. Producing report data by a legacy computer system is the same as a service generating results data for a client because the legacy computer system is a "service" and report data is "results data". Furthermore, it is noted that outputted report data is presented to a client such as a telephone customer. See column 1, lines 50-55.

Ballantyne also teaches that the legacy computer system uses XML schema that is used to transform report data into XML format. An XML schema is a presentation schema because it describes how to present report data for a client. Ballantyne teaches the legacy computer system's program applications are used to output data into an XML formatted output using an XML schema. See columns 3-4. Ballantyne states in column 4, lines 1-15 that one technical advantage of allowing legacy computer system program applications to output data to an XML version is that it is faster and does not require the transformation of the data itself from the legacy system format. Thus a business enterprise using a legacy computer system is provided with the greater accessibility to data provided by the output in XML format. The ability for a legacy computer system to output report data and provide a presentation schema (i.e. XML schema) to present the report data to a client indicates that one service can both *generate results data and provide a presentation schema.*

It is emphasized and noted that Appellant defines a service as an entity capable of being used by a person, program, or other service. A legacy computer system is used by a person, program, or business enterprise to retrieve report data. Thus the legacy computer system provides a "service" of reporting data. Furthermore, in column 5, lines 38-57, Ballantyne teaches legacy computer systems perform essential functions such as billing, inventory control, and scheduling. Those a legacy computer system is a service in that it can be used by a person, program, or other service.

On page 12, Appellant argues that Ballantyne's modeling engine provides a schema by allowing programmers to create the schema but does not generate results data. The modeling engine described by Appellant is used within the legacy computer system to modify the program applications to output XML data using an XML schema. Thus it is a part of the legacy system in that it interfaces with it. See columns 5-6.

Also on page 12, Appellant further argues Ballantyne's modeling engine nor his modified legacy applications can be considered a service of Appellant's claim. Examiner disagrees. Appellant defines a service as an entity capable of being used by a person, program, or other service on page 4 of the Specification. Appellant provides no reasons as to why a legacy application outputting data cannot be considered a service. A legacy computer system is used by a person, program, or business enterprise to retrieve report data. Thus the legacy computer system provides a "service" of reporting data.

On page 13, Appellant argues Ballantyne's system fails to teach generating results data and providing a presentation schema. Appellant argues that if Examiner is relying upon the individual modified legacy applications of Ballantyne to generate results data, then those applications must also provide the presentation schema. As indicated in the arguments above, Ballantyne also teaches that the legacy computer system uses XML schema that is used to transform report data into XML format. An XML schema is a presentation schema because it describes how to present report data for a client. Ballantyne teaches the legacy computer system's program applications are used to output data into an XML formatted output using an XML schema. See columns 3-4. Ballantyne states in column 4, lines 1-15 that one technical advantage of allowing legacy computer system program applications to output data to an XML version is that it is faster and does not require the transformation of the data itself from the legacy system format. Thus a business enterprise using a legacy computer system is provided with the greater accessibility to data provided by the output in XML format.

On pages 14-16, Appellant argues regarding claims 3, 4, 25, and 26, Ballantyne fails to disclose that generating results data is performed in response to a client sending a request message in a data representation language to the service. Examiner disagrees. Ballantyne teaches a user can request information such as billing statements or invoices from a legacy computer system which results in the outputting of a bill. A telephone customer could receive their bills via email containing a web-link to a

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site that provides their bill detail. See column 17, lines 35-67. Clicking on a web link is sending a request message to the service to perform some function, in this case displaying a bill, for the client from the legacy system. It is inherent that sending a request by clicking on a link requires that a message is sent in the form of a request to the server using HTTP, the message itself is in the form of some data representation language.

Regarding claim 4, Appellant argues Ballantyne fails to disclose the client is sending a request message in XML and that requests are made using HTTP. HTTP is a transfer protocol. The request could still be in an XML format. Further, the fact that the report output in response the request is in XML format, it is inherent that the original request is in XML.

Regarding claim 5, Appellant argues Ballantyne fails to disclose accessing results data for a client comprises receiving the results data from the service in one or more messages in a data representation language. Examiner disagrees. Ballantyne clearly states the legacy computer system outputs the XML formatted data to the client. It is noted that a message is just a document. See columns 1-2. Even if according to Appellant's argument, Ballantyne stores the XML output in a database, it is later accessed by a client (i.e. a client receiving a bill) in which case the client is receiving the "results data" or report data in XML format from the legacy computer system.

Regarding claim 11, Appellant is correct that claim 11 depends from claim 10 and cannot be anticipated under 102(e). A new grounds of rejection rejecting claim 11 under 103(a) is presented above. Appellant argues Ballantyne does not disclose that the presentation schema advertisement is an XML document. Examiner disagrees. Ballantyne teaches storing presentation schema in a storage device. See column 17, lines 15-25. Ballantyne teaches providing results data in the form of XML to a display device. Ballantyne discloses providing a results advertisement where the advertisement includes information for enabling access of the results data. Ballantyne teaches providing report data to a display device, where a user can then access results data (i.e. billing statements). Although Ballantyne does not state "advertisements", the term "report data" could comprise an advertisement. Moreover, one of ordinary skill in the art would recognize that an XML schema could be used to describe any number of outputs in XML format including invoices and advertisements, thus it would have been obvious to one of ordinary skill in the art at the time of the invention to produce advertisements as "result data" since an XML schema can be used to produce XML formatted data. See column 17.

On pages 18-19 regarding claims 18, 19, and 21, Appellant argues Ballantyne fails to disclose that said accessing a presentation schema, said accessing results data, and said presenting results data for the client by a data presentation process is not disclosed. Examiner disagrees. Reporting XML data from a legacy computer system is

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a data presentation process. Reporting any type of data is presenting data. See abstract.

Regarding claims 20-22, Appellant argues Ballantyne does not teach the client receives results data from the service and the client provides the results data to the data presentation process. Ballantyne teaches producing reporting data in XML format for delivery to a client via an email link, web-site, or at a bill consolidator which meets the limitation ***a client receiving information for accessing results data***. See columns 1-2. Ballantyne further teaches a client can click on a link in an e-mail to request the results or report data for viewing which meets the limitation ***the client providing the information for accessing the results data to the data presentation process***. See column 17 where Ballantyne discloses a request to receive a telephone bill from a telephone customer.

With respect to claim 23, Appellant argues Ballantyne does not teach the client receives the presentation schema or the client provides the presentation schema. Ballantyne teaches that the client receives the presentation schema in the form of an XML output and the schema can be formatted in the model GUI. See columns 6, lines 48-67 and columns 7-8. *A programmer* can create or modify an XML schema used to present legacy program application output in XML format. A programmer could be anyone including the client.

Regarding claims 24, 26, 31-34, 37, and 39, Appellant argues throughout pages 21-24, Ballantyne does not teach a service device configured to generate results data and a presentation schema. As discussed with respect to claim 1 above, A service is an entity that can be used by a person, program, or another service as described on page 4 of Appellant's specification. Legacy computer systems are used to output reports such as telephone bills. See column 1, lines 23-67 and column 2. Legacy systems are used by business enterprises to output data. See column 3, lines 28-40 and column 4, lines 12-15. Thus Examiner is interpreting a "legacy computer system" used by a business as a "service" because it is an entity used by a person or a program.

Ballantyne teaches a legacy computer system produces report data. See column 2, lines 43-67; column 3, lines 1-40; and column 4, lines 1-15. Producing report data by a legacy computer system is the same as a service generating results data for a client because the legacy computer system is a "service" and report data is "results data". Furthermore, it is noted that outputted report data is presented to a client such as a telephone customer. See column 1, lines 50-55.

Ballantyne also teaches that the legacy computer system uses XML schema that is used to transform report data into XML format. An XML schema is a presentation schema because it describes how to present report data for a client. Ballantyne teaches the legacy computer system's program applications are used to output data into an XML formatted output using an XML schema. See columns 3-4. Ballantyne states

in column 4, lines 1-15 that one technical advantage of allowing legacy computer system program applications to output data to an XML version is that it is faster and does not require the transformation of the data itself from the legacy system format. Thus a business enterprise using a legacy computer system is provided with the greater accessibility to data provided by the output in XML format. The ability for a legacy computer system to output report data and provide a presentation schema (i.e. XML schema) to present the report data to a client indicates that one service can both *generate results data and provide a presentation schema*.

It is emphasized and noted that Appellant defines a service as an entity capable of being used by a person, program, or other service. A legacy computer system is used by a person, program, or business enterprise to retrieve report data. Thus the legacy computer system provides a "service" of reporting data. Furthermore, in column 5, lines 38-57, Ballantyne teaches legacy computer systems perform essential functions such as billing, inventory control, and scheduling. Those a legacy computer system is a service in that it can be used by a person, program, or other service.

Appellant argues that Ballantyne's modeling engine provides a schema by allowing programmers to create the schema but does not generate results data. The modeling engine described by Appellant is used within the legacy computer system to modify the program applications to output XML data using an XML schema. Thus it is a part of the legacy system in that it interfaces with it. See columns 5-6.

Appellant further argues Ballantyne's modeling engine nor his modified legacy applications can be considered a service of Appellant's claim. Examiner disagrees. Appellant defines a service as an entity capable of being used by a person, program, or other service on page 4 of the Specification. Appellant provides no reasons as to why a legacy application outputting data cannot be considered a service. A legacy computer system is used by a person, program, or business enterprise to retrieve report data. Thus the legacy computer system provides a "service" of reporting data.

Appellant argues Ballantyne's system fails to teach generating results data and providing a presentation schema. Appellant argues that if Examiner is relying upon the individual modified legacy applications of Ballantyne to generate results data, then those applications must also provide the presentation schema. As indicated in the arguments above, Ballantyne also teaches that the legacy computer system uses XML schema that is used to transform report data into XML format. An XML schema is a presentation schema because it describes how to present report data for a client. Ballantyne teaches the legacy computer system's program applications are used to output data into an XML formatted output using an XML schema. See columns 3-4. Ballantyne states in column 4, lines 1-15 that one technical advantage of allowing legacy computer system program applications to output data to an XML version is that it is faster and does not require the transformation of the data itself from the legacy system format. Thus a business enterprise using a legacy computer system is provided with the greater accessibility to data provided by the output in XML format.

Regarding claim 25, Appellant argues Ballantyne fails to disclose a client device configured to send a request message in a data representation language to the service device Ballantyne teaches a user can request information such as billing statements or invoices from a legacy computer system which results in the outputting of a bill. A telephone customer could receive their bills via email containing a web-link to a site that provides their bill detail. See column 17, lines 35-67. Clicking on a web link is sending a request message to the service to perform some function, in this case displaying a bill, for the client from the legacy system. It is inherent that sending a request by clicking on a link requires that a message is sent in the form of a request to the server using HTTP, the message itself is in the form of some data representation language.

Regarding claim 29, Appellant is correct that claim 29 depends from claim 28 and cannot be anticipated under 102(e). A new grounds of rejection rejecting claim 29 under 103(a) is presented above. Appellant argues Ballantyne does not disclose that the presentation schema advertisement is an XML document. Examiner disagrees. Ballantyne teaches storing presentation schema in a storage device. See column 17, lines 15-25. Ballantyne teaches providing results data in the form of XML to a display device. Ballantyne discloses providing a results advertisement where the advertisement includes information for enabling access of the results data. Ballantyne teaches providing report data to a display device, where a user can then access results data (i.e. billing statements). Although Ballantyne does not state "advertisements", the term

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"report data" could comprise an advertisement. Moreover, one of ordinary skill in the art would recognize that an XML schema could be used to describe any number of outputs in XML format including invoices and advertisements, thus it would have been obvious to one of ordinary skill in the art at the time of the invention to produce advertisements as "result data" since an XML schema can be used to produce XML formatted data. See column 17.

With regards to claim 35, Appellant argues Ballantyne fails to disclose that said accessing a presentation schema, said accessing results data, and said presenting results data for the client by a data presentation process is not disclosed. Examiner disagrees. Reporting XML data from a legacy computer system is a data presentation process. Reporting any type of data is presenting data. See abstract.

With regards to claim 36, Appellant argues Ballantyne does not teach sending a request message in a data representation language to a service device where the service device is configured to perform a function on behalf of the client process in response to the request message. Examiner disagrees. Ballantyne teaches a user can request information such as billing statements or invoices from a legacy computer system which results in the outputting of a bill. A telephone customer could receive their bills via email containing a web-link to a site that provides their bill detail. See column 17, lines 35-67. Clicking on a web link is sending a request message to the service to perform some function, in this case displaying a bill, for the client from the

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legacy system. It is inherent that sending a request by clicking on a link requires that a message is sent in the form of a request to the server using HTTP, the message itself is in the form of some data representation language. Further in response to the request, the service device (or legacy system) delivers report data such as a bill statement. See column 17.

With regards to claim 38, Appellant argues Ballantyne fails to teach a client executable that access the results data generated by the service device and configured to provide the data to the data presentation device. Examiner disagrees. Ballantyne teaches producing reporting data in XML format for delivery to a client via an email link, web-site, or at a bill consolidator. See columns 1-2. Ballantyne further teaches a client can click on a link in an e-mail to request the results or report data for viewing. See column 17 where Ballantyne discloses a request to receive a telephone bill from a telephone customer.

With regards to claims 40-41, Appellant argues Ballantyne fails to disclose receiving information for accessing the presentation schema and providing information for accessing the presentation schema to the data presentation process. Appellant argues Ballantyne does not teach the client receives the presentation schema or the client provides the presentation schema. Ballantyne teaches that the client receives the presentation schema in the form of an XML output and the schema can be formatted in the model GUI. See columns 6, lines 48-67 and columns 7-8. A *programmer* can

create or modify an XML schema used to present legacy program application output in XML format. A programmer could be anyone including the client.

Regarding claim 43, Appellant argues Ballantyne fails to disclose a service device is configured to generate results data for the client in response to a request. Examiner disagrees. Ballantyne teaches a user can request information such as billing statements or invoices from a legacy computer system which results in the outputting of a bill. A telephone customer could receive their bills via email containing a web-link to a site that provides their bill detail. See column 17, lines 35-67. Clicking on a web link is sending a request message to the service to perform some function, in this case displaying a bill, for the client from the legacy system. It is inherent that sending a request by clicking on a link requires that a message is sent in the form of a request to the server using HTTP, the message itself is in the form of some data representation language. Further in response to the request, the service device (or legacy system) delivers report data such as a bill statement. See column 17.

Regarding claim 44, Appellant argues Ballantyne fails to disclose a space service configured to provide the presentation schema advertisement to the client. Ballantyne teaches outputting the XML data on a display device which is a "space". See columns 1-2. The results data would be outputted to a "space" in a computing environment.

Regarding claim 46, Appellant argues Ballantyne does not disclose a service provides both a presentation schema and results data. Appellant further argued the limitations were not taught by the reference. To clarify Examiner's position, the following rejection has been provided. Ballantyne teaches a system for reporting data from a legacy computer system which meets the claimed **device, comprising: a data presentation component**. See abstract. Ballantyne further teaches a means to access an XML schema provided by the legacy computer system (i.e. service) where the XML schema determines how to output data from the legacy computer application in XML format which meets the limitation **access a presentation schema provided by a service in a distributed computing environment, wherein the presentation schema includes information for presenting results data generated by the service**. See columns 3-4; column 5; column 6, lines 27-67. A service is an entity that can be used by a person, program, or another service as described on page 4 of the specification. Legacy computer systems are used to output reports such as telephone bills. See column 1, lines 23-67 and column 2. Legacy systems are used by business enterprises to output data. See column 3, lines 28-40 and column 4, lines 12-15. Thus a "legacy computer system" used by a business is a "service" because it is an entity used by a person or a program. The legacy computer system outputs report data to a customer which meets the **access the results data generated by the service**. See columns 5-6 and 17. Ballantyne teaches outputting the XML formatted data using the XML schema generated from the legacy system which meets the limitation **presenting the results data on the data presentation component in accord with the information in the**

presentation schema for the results data.. See columns 17-18. Ballantyne's system comprises a service in the computing environment that generates results data (such as invoices, billing statements) prior to accessing the report data. Ballantyne teaches that businesses with legacy computer systems may output XML formatted reports that allow the business to take advantage of advances taking place in e-commerce, such as automatic bill payment. For instance, telephone customers could receive their telephone bill by email containing a web link to a site providing bill detail. See column 17, lines 37-52. The telephone customers are client and the service is the automatic bill payment provided by the business.

Regarding claim 47, Appellant argues Ballantyne fails to disclose a client sending a message requesting the results data and generating results data in response to the request. Examiner disagrees. Ballantyne teaches a user can request information such as billing statements or invoices from a legacy computer system which results in the outputting of a bill. A telephone customer could receive their bills via email containing a web-link to a site that provides their bill detail. See column 17, lines 35-67. Clicking on a web link is sending a request message to the service to perform some function, in this case displaying a bill, for the client from the legacy system. It is inherent that sending a request by clicking on a link requires that a message is sent in the form of a request to the server using HTTP, the message itself is in the form of some data representation language. Further in response to the request, the service device (or legacy system) delivers report data such as a bill statement. See column 17.

On pages 36-37 of the Brief, Appellant makes arguments with respect to claim 48 substantially similar to the arguments with respect to claim 1 above. Thus Examiner's reasons for maintaining the rejections for claim 48 are the same reasons recited for claim 1 above.

Regarding claim 8, Applicant argues Ballantyne does not provide a results advertisement for the results data stored on the result space wherein the advertisement includes information for enabling access of the results data. Examiner disagrees. Ballantyne teaches providing results data in the form of XML to a display device. The XML data may comprise invoices, billing statements, or any other type of report data including advertisement. Ballantyne discloses providing a results advertisement where the advertisement includes information for enabling access of the results data when he discloses sending an email from the service provider such as a telephone company with a link to a bill. See column 17. Ballantyne teaches providing report data to a display device, where a user can then access results data (i.e. billing statements). Although Ballantyne does not state "advertisements", the term "report data" could comprise an advertisement so long as it "advertises" a company. In this case sending an email from a telephone company comprising a link to a bill could be interpreted as an "advertisement" because it is naming the company which is advertising a company. This is a "commercial advertisement" so long as a company's name appears on the document. Further, an email sent by a company includes a link providing access to the report data is enabling access to the results data. Moreover, one of ordinary skill in the

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art would recognize that an XML schema could be used to describe any number of output presentations in XML format including invoices and advertisements, thus it would have been obvious to one of ordinary skill in the art at the time of the invention to produce advertisements as "result data" since XML schema is used to produce XML formatted data. See column 17.

Regarding claim 10, Ballantyne teaches providing results data in the form of XML to a display device. The XML data may comprise invoices, billing statements, or any other type of report data including advertisement. Ballantyne discloses providing a results advertisement where the advertisement includes information for enabling access of the results data when he discloses sending an email from the service provider such as a telephone company with a link to a bill. See column 17. Ballantyne teaches providing report data to a display device, where a user can then access results data (i.e. billing statements). Although Ballantyne does not state "advertisements", the term "report data" could comprise an advertisement so long as it "advertises" a company. In this case sending an email from a telephone company comprising a link to a bill could be interpreted as an "advertisement" because it is naming the company which is advertising a company. This is a "commercial advertisement" so long as a company's name appears on the document. Further, an email sent by a company includes a link providing access to the report data is enabling access to the results data. Moreover, one of ordinary skill in the art would recognize that an XML schema could be used to describe any number of output presentations in XML format including invoices and

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advertisements, thus it would have been obvious to one of ordinary skill in the art at the time of the invention to produce advertisements as “result data” since XML schema is used to produce XML formatted data. See column 17.

Regarding claim 27, Ballantyne teaches providing results data in the form of XML to a display device. The XML data may comprise invoices, billing statements, or any other type of report data including advertisement. Ballantyne discloses providing a results advertisement where the advertisement includes information for enabling access of the results data when he discloses sending an email from the service provider such as a telephone company with a link to a bill. See column 17. Ballantyne teaches providing report data to a display device, where a user can then access results data (i.e. billing statements). Although Ballantyne does not state “advertisements”, the term “report data” could comprise an advertisement so long as it “advertises” a company. In this case sending an email from a telephone company comprising a link to a bill could be interpreted as an “advertisement” because it is naming the company which is advertising a company. This is a “commercial advertisement” so long as a company’s name appears on the document. Further, an email sent by a company includes a link providing access to the report data is enabling access to the results data. Moreover, one of ordinary skill in the art would recognize that an XML schema could be used to describe any number of output presentations in XML format including invoices and advertisements, thus it would have been obvious to one of ordinary skill in the art at the

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time of the invention to produce advertisements as “result data” since XML schema is used to produce XML formatted data. See column 17.

Regarding claims 28 and 50, Ballantyne teaches providing results data in the form of XML to a display device. The XML data may comprise invoices, billing statements, or any other type of report data including advertisement. Ballantyne discloses providing a results advertisement where the advertisement includes information for enabling access of the results data when he discloses sending an email from the service provider such as a telephone company with a link to a bill. See column 17. Ballantyne teaches providing report data to a display device, where a user can then access results data (i.e. billing statements). Although Ballantyne does not state “advertisements”, the term “report data” could comprise an advertisement so long as it “advertises” a company. In this case sending an email from a telephone company comprising a link to a bill could be interpreted as an “advertisement” because it is naming the company which is advertising a company. This is a “commercial advertisement” so long as a company’s name appears on the document. Further, an email sent by a company includes a link providing access to the report data is enabling access to the results data. Moreover, one of ordinary skill in the art would recognize that an XML schema could be used to describe any number of output presentations in XML format including invoices and advertisements, thus it would have been obvious to one of ordinary skill in the art at the time of the invention to produce advertisements as

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"result data" since XML schema is used to produce XML formatted data. See column 17.

Although the Office still maintains the 102 rejections, proffered in the final rejection. In order to further prosecution in light of Appellant's arguments, the Office is providing an alternative rejection under 103(a) using an alternative interpretation asserted by Appellant with regards to the term "service" as indicated above under "New Grounds of Rejection".

(11) Related Proceeding(s) Appendix

For the above reasons, it is believed that the rejections should be sustained.

This examiner's answer contains a new ground of rejection set forth in section (9) above. Accordingly, appellant must within **TWO MONTHS** from the date of this answer exercise one of the following two options to avoid *sua sponte* **dismissal of the appeal** as to the claims subject to the new ground of rejection:

(1) **Reopen prosecution.** Request that prosecution be reopened before the primary examiner by filing a reply under 37 CFR 1.111 with or without amendment, affidavit or other evidence. Any amendment, affidavit or other evidence must be relevant to the new grounds of rejection. A request that complies with 37 CFR


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41.39(b)(1) will be entered and considered. Any request that prosecution be reopened will be treated as a request to withdraw the appeal.

(2) **Maintain appeal.** Request that the appeal be maintained by filing a reply brief as set forth in 37 CFR 41.41. Such a reply brief must address each new ground of rejection as set forth in 37 CFR 41.37(c)(1)(vii) and should be in compliance with the other requirements of 37 CFR 41.37(c). If a reply brief filed pursuant to 37 CFR 41.39(b)(2) is accompanied by any amendment, affidavit or other evidence, it shall be treated as a request that prosecution be reopened before the primary examiner under 37 CFR 41.39(b)(1).

Extensions of time under 37 CFR 1.136(a) are not applicable to the TWO MONTH time period set forth above. See 37 CFR 1.136(b) for extensions of time to reply for patent applications and 37 CFR 1.550(c) for extensions of time to reply for ex parte reexamination proceedings.


Respectfully submitted,



Rachna Singh

A Technology Center Director or designee must personally approve the new ground(s) of rejection set forth in section (9) above by signing below:

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HEATHER R. HERNDON
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

Conferees:


Heather Herndon, Supervisory Patent Examiner, AU 2176


Stephen Hong, Supervisory Patent Examiner, AU 2178